

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
Houston DIVISION**

USA §
§
§ CASE NUMBER: 06cr0427
v. § District Judge: Rosenthal
§ Court Reporter(s): A Manley, F Warner and
§ ERO
Shiraz Syed Qazi §

NOTICE TO THE CIRCUIT OF AN APPEAL

In connection with this appeal, a copy of the notice of appeal, the order being appealed and the docket sheet are attached. Please acknowledge receipt on the enclosed copy of this notice.

In regard to this appeal:

- This defendant is represented by either a CJA attorney or the Federal Public Defender.
- DKT-13 transcript ordering instructions are attached.
- The Clerk of Court will submit to the Fifth Circuit Court of Appeals a Certificate of Non-Compliance if the appellant fails to return the transcript order form.

Michael N. Milby, Clerk

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TRANSCRIPT ORDER INSTRUCTIONS TO APPELLANT

Pursuant to FRAP 10(a)(1), a transcript order form must be filed within 10 days of the filing of the notice of appeal.

Please review the instructions on the attached DKT 13 Transcript Order Form. Prepare a separate DKT 13 for each reporter from whom transcripts are ordered. All transcripts from tape recorded proceedings may be ordered on one form. Specify exact dates of proceedings to be transcribed on the appropriate reporter or tape order.

If transcript is unnecessary or already on file in the Clerk's office, prepare a DKT 13 and mark the appropriate box to indicate this information.

The appellant must contact the court reporter within 10 days of the filing of the notice of appeal to arrange for the preparation of transcripts.

Court Reporting Services
P.O. Box 61010
Houston, TX 77208

Electronic Court Reporting 713-250-5404
Court Reporters 713-250-5499

US District Court 409-766-3530
600 E Harrison Street
Brownsville, TX 78520-7114
956-548-2500

US District Court
1133 North Shoreline Blvd, Room 208
Corpus Christi, TX 78401
361-888-3142

US District Court
PO Box 2300
Galveston, TX 77553

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Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

VERSUS

Cr. No. H-06-427

SHIRAZ SYED QAZI

DEFENDANT'S NOTICE OF APPEAL

The defendant, Shiraz Syed Qazi, gives notice of appeal to the United States Court of Appeals for the Fifth Circuit from this Court's judgment of conviction entered on May 17, 2007.

Respectfully submitted,

MARJORIE A. MEYERS
Federal Public Defender
Southern District of Texas
Texas State Bar No. 14003750
Southern District of Texas No. 3233

By: /s Brent E. Newton
Brent E. Newton
Asst. Federal Public Defender
Attorney-in-Charge
Texas Bar Number 00788115
Southern District of Texas No. 16759
P. O. Box 61508
Houston, Texas 77208-1508
Telephone: 713.718.4600

CERTIFICATE OF SERVICE

I certify that, on May 17, 2007, a copy of the foregoing was served by ECF on
Assistant United States Attorney Shelley J. Hicks.

/s Brent E. Newton
BRENT E. NEWTON

UNITED STATES DISTRICT COURT
Southern District of Texas

Holding Session in Houston

UNITED STATES OF AMERICA

V.

SHIRAZ SYED QAZI

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 4:06CR00427-001

USM NUMBER: 56406-179

Brent Evan Newton, AFPD

Defendant's Attorney

 See Additional Aliases.

THE DEFENDANT:

pleaded guilty to count(s) _____

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) 1 on January 30, 2007, after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§	Possession of a firearm by an alien admitted to the United States under a	07/17/2005	1
922(g)(5)(B) and	non-immigrant visa		
924(a)(2)			

 See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

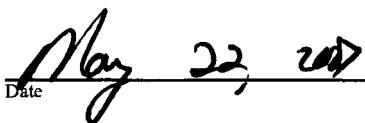
Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 17, 2007
Date of Imposition of Judgment


Signature of Judge

LEE H. ROSENTHAL
UNITED STATES DISTRICT JUDGE
Name and Title of Judge


Date

ML MO

DEFENDANT: **SHIRAZ SYED QAZI**
CASE NUMBER: **4:06CR00427-001**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 10 months.

This term consists of **TEN (10) MONTHS** as to Count 1.

See Additional Imprisonment Terms.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **SHIRAZ SYED QAZI**
CASE NUMBER: **4:06CR00427-001**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 years.

This term consists of THREE (3) YEARS as to Count 1.

See Additional Supervised Release Terms.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. (for offenses committed on or after September 13, 1994)

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

See Special Conditions of Supervision.

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **SHIRAZ SYED QAZI**
CASE NUMBER: **4:06CR00427-001**

SPECIAL CONDITIONS OF SUPERVISION

If deported, the defendant is not to re-enter the United States illegally. If the defendant is deported during the period of probation or the supervised release term, supervision by the probation office becomes inactive. If the defendant returns, the defendant shall report to the nearest U.S. Probation Office immediately. Supervision by the probation officer reactivates automatically upon the defendant's reporting.

DEFENDANT: **SHIRAZ SYED QAZI**
CASE NUMBER: **4:06CR00427-001**

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100	

- See Additional Terms for Criminal Monetary Penalties.
- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal payees must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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- See Additional Restitution Payees.

TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
---------------	----------------	----------------

- Restitution amount ordered pursuant to plea agreement \$ _____.
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:
- Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

APPEAL

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:06-cr-00427 All Defendants
Internal Use Only**

Case title: USA v. Qazi

Date Filed: 11/28/2006
Date Terminated: 05/22/2007

Assigned to: Judge Lee H Rosenthal

Defendant

Shiraz Syed Qazi (1)
TERMINATED: 05/22/2007

represented by **Shiraz Syed Qazi**
PRO SE

Brent Evan Newton
Assistant Federal Public Defender
440 Louisiana
Ste 310
Houston, TX 77002-1634
713-718-4600
Fax: 713-718-4610 fax
Email: Brent_Newton@fd.org
LEAD ATTORNEY

Federal Public Defender
440 Louisiana
Ste 310
Houston, TX 77002
713-718-4600
Fax: 713-718-4610
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

POSSESSION OF A FIREARM BY
AN ALIEN
(1)

Disposition

Custody of the BOP for a term of 10 months, Supervised release for a term of 3 years, Fine is WAIVED and Special Assessment of \$100.00 is REMITTED on the government's oral motion.

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by **James L Turner**
US Attorneys Office
PO Box 61129
Houston, TX 77208-1129
713-567-9361
Fax: 713-718-3302
Email: jim.turner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marjorie A Meyers
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Email: Margy_Meyers@fd.org
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Houston, TX 77208
713-567-9588
Fax: 713-718-3390
Email: shelley.hicks@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Financial Litigation
U S Attorney's Office
P O Box 61129
Houston, TX 77208

713-567-9000
 Fax: 713-718-3391 fax
ATTORNEY TO BE NOTICED
Designation: Retained

US Marshal - H
 515 Rusk
 10th Floor
 Houston, TX 77002
 713-718-4800
 Fax: 713-718-4848
ATTORNEY TO BE NOTICED
Designation: Retained

US Pretrial Svcs - H
 515 Rusk
 6th Floor
 Houston, TX 77002
 713-250-5218
 Fax: 713-250-5666
ATTORNEY TO BE NOTICED
Designation: Retained

US Probation - H
 515 Rusk
 2nd Floor
 Houston, TX 77002
 713-250-5266
 Fax: INS_prob1
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
11/28/2006	# 1	INDICTMENT (The original indictment with the signature of the grand jury foreperson is on file under seal with the clerk) as to Shiraz Syed Qazi (1 count(s) 1, filed. (ledwards,) (Entered: 12/04/2006)
11/28/2006	# 2	AO 257 Information Sheet as to Shiraz Syed Qazi, filed.(ledwards,) Modified on 12/4/2006 (ledwards,). (Entered: 12/04/2006)
11/28/2006	# 3	US Attys Criminal Docket Sheet as to Shiraz Syed Qazi, filed. (ledwards,) (Entered: 12/04/2006)
11/28/2006	# 4	ORDER for Issuance of Warrant as to Shiraz Syed Qazi (Signed by Judge Frances H Stacy). Parties notified. (ledwards,) (Entered: 12/04/2006)
11/28/2006	# 5	MOTION to Seal Information by USA as to Shiraz Syed Qazi, filed. (ledwards,) Additional attachment(s) added on 12/4/2006 (ledwards,). (Entered: 12/04/2006)

11/28/2006	• 6	ORDER granting 5 Motion to Seal as to Shiraz Syed Qazi (1).(Signed by Judge Frances H Stacy.) Parties notified.(ledwards,) (Entered: 12/04/2006)
11/29/2006	• 7	MOTION to Unseal Case by USA as to Shiraz Syed Qazi, filed. (ledwards,) (Entered: 12/04/2006)
11/29/2006	• 8	ORDER granting 7 Motion to Unseal as to Shiraz Syed Qazi (1).(Signed by Judge Calvin Botley.) Parties notified.(ledwards,) (Entered: 12/04/2006)
11/30/2006	• 9	Minute Entry for proceedings held before Judge Calvin Botley :INITIAL APPEARANCE as to Shiraz Syed Qazi,(Deft informed of rights) held on 11/30/2006 . Detention Hearing & Arraignment set for 12/5/2006 at 02:00 PM in Courtroom 703 before Magistrate Judge Calvin Botley..... Appearances:Glenn Cook, Tom Berg.(ERO:Y) (Interpreter:N) Deft remanded to Custody , filed.(ledwards,) (Entered: 12/04/2006)
11/30/2006	• 10	Arrest of Shiraz Syed Qazi, filed. (ledwards,) (Entered: 12/04/2006)
11/30/2006	• 11	Attorney update in case as to Shiraz Syed Qazi. Attorney Federal Public Defender for Shiraz Syed Qazi added. (ledwards,) (Entered: 12/04/2006)
11/30/2006	• 12	SEALED CJA 23 Financial Affidavit by Shiraz Syed Qazi (See General Order 2004-11) (Bar Code 4:06CI3039), filed.(ejuarez,) (Entered: 12/05/2006)
12/07/2006	• 13	ORDER OF TEMPORARY DETENTION PENDING Hearing as to Shiraz Syed Qazi Detention Hearing set for 12/5/2006 at 02:00 PM in Courtroom 704 before Magistrate Judge Frances H Stacy.(Signed by Judge Calvin Botley). Parties notified. (ejuarez,) (Entered: 12/05/2006)
12/07/2006	• 14	Minute Entry for proceedings held before Judge Frances H Stacy :DETENTION HEARING as to Shiraz Syed Qazi held on 12/7/2006 Appearances:Glenn Cook, Brent Newton. Shelley J Hicks. (ERO:Yes) Deft remanded to Custody , filed.(mmar,) (Entered: 12/11/2006)
12/07/2006	• 15	Minute Entry for proceedings held before Judge Frances H Stacy :ARRAIGNMENT as to Shiraz Syed Qazi (1) Count 1 held on 12/7/2006. Not Guilty on all. Appearances:Glenn Cook, Brent Newton. Shelley J Hicks.(ERO:Yes) (Interpreter:no) Deft remanded to Custody , filed.(mmar,) (Entered: 12/11/2006)
12/07/2006	• 16	SCHEDULING ORDER as to Shiraz Syed Qazi. ETT:2 days: Motion Filing due by 1/12/2007 Responses due by 1/22/2007 Pretrial Conference set for 1/29/2007 at 08:45 AM in Courtroom 11B before Judge Lee H Rosenthal Jury Trial set for 2/5/2007 at 09:00 AM in Courtroom 11B before Judge Lee H Rosenthal(Signed by Judge Lee H Rosenthal). Parties notified. (mmar,) (Entered: 12/11/2006)
12/07/2006	• 17	ORDER OF DETENTION PENDING trial as to Shiraz Syed Qazi . (Signed by Judge Frances H Stacy). Parties notified. (kettac,) (Entered: 12/12/2006)

12/11/2006	• 15	MOTION to Dismiss <i>the Indictment</i> by Shiraz Syed Qazi, filed. (Attachments: # 1 (Newton, Brent) (Entered: 12/11/2006)
12/14/2006	• 17	NOTICE of Related Cases by USA as to Shiraz Syed Qazi, filed.(Hicks, Shelley) (Entered: 12/14/2006)
12/19/2006	• 18	Memorandum in Opposition by USA as to Shiraz Syed Qazi re 15 MOTION to Dismiss <i>the Indictment</i> , filed.(Hicks, Shelley) (Entered: 12/19/2006)
01/16/2007	• 20	NOTICE OF SETTING as to Shiraz Syed Qazi. Bench Trial set for 1/30/2007 at 01:00 PM in Courtroom 11B before Judge Lee H Rosenthal....., filed. (leddins,) (Entered: 01/16/2007)
01/30/2007	• 21	WAIVER of Right to Trial by Jury as to Shiraz Syed Qazi, filed. (bthomas,) (Entered: 01/30/2007)
01/30/2007	• 22	Agreed Stipulations of Evidence, filed.(bthomas,) (Entered: 01/30/2007)
01/30/2007	• 23	ORDER for Presentence Investigation and Disclosure & Sentencing Dates as to Shiraz Syed Qazi. PSI Completion due by 4/6/2007. Objection to PSI due by 4/20/2007 Final PSI due by 5/4/2007 Sentencing set for 5/17/2007 at 08:45 AM in Courtroom 11B before Judge Lee H Rosenthal. (Signed by Judge Lee H Rosenthal). Parties notified. (bthomas,) (Entered: 01/30/2007)
01/30/2007	• 24	Minute Entry for proceedings held before Judge Lee H Rosenthal :BENCH TRIAL begun on 1/30/2007 as to Shiraz Syed Qazi (1) Count 1. Waiver of jury trial signed and executed in open court. Stipulation of facts read into the record and filed. The court finds the defendant guilty of count 1. Sentencing set for 5/17/07, at 8:45 a.m. Order for PSI entered. Defendant's motion to dismiss the indictment, (Docket Entry No. 15), and defendant's oral motion for acquittal are denied, for reasons stated on the record. Exhibits admitted. Appearances: Shelley Hicks/Glenn Cook-AUSA and Brent Newton-FPD for Deft. Qazi.(Court Reporter: Anita Manley) (Interpreter:No) Deft remanded to US Marshals, filed.(leddins,) (Entered: 01/30/2007)
01/30/2007	• 25	EXHIBIT LIST by USA as to Shiraz Syed Qazi, filed. (bthomas,) Modified on 5/22/2007 (leddins,). (Original photos placed in expandex folder and placed on the shelf in the fileroom) (Entered: 01/30/2007)
05/01/2007	• 26	NOTICE of No Objection to the Presentence Investigation Report by USA as to Shiraz Syed Qazi, filed.(Hicks, Shelley) (Entered: 05/01/2007)
05/02/2007	• 27	Statement of No Objections to PSR (SEALED) by Shiraz Syed Qazi, filed.(Newton, Brent) (Entered: 05/02/2007)
05/03/2007	• 28	FINAL PRESENTENCE INVESTIGATION REPORT (Sealed) as to Shiraz Syed Qazi, filed. (tmatthews,) (Entered: 05/03/2007)
05/03/2007	• 29	CONFIDENTIAL SENTENCING RECOMMENDATION (Sealed) regarding Shiraz Syed Qazi, filed. (tmatthews,) (Entered: 05/03/2007)

05/03/2007	 30	SEALED ADDENDUM to [28] Final Presentence Investigation Report (SEALED) as to Shiraz Syed Qazi, filed. (tmatthews,) (Entered: 05/03/2007)
05/17/2007	 31	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit by Shiraz Syed Qazi, filed. (Newton, Brent) (Entered: 05/17/2007)
05/17/2007	 32	Minute Entry for proceedings held before Judge Lee H Rosenthal : Sentencing held on 5/17/2007 for Shiraz Syed Qazi as to Count 1; Defendant is committed to the custody of the BOP for a term of 10 months, Supervised release for a term of 3 years, Fine is WAIVED and Special Assessment of \$100.00 is REMITTED on the government's oral motion. Appeal rights explained on the record. Appearances: Shelley Hicks/Glenn Cook-AUSA, Brent Newton-FPD for Deft. Qazi. and M. Lucas for US Probation.(Court Reporter: Fred Warner) (Interpreter:No) Deft remanded to US Marshals, filed. (leddins,) (Entered: 05/18/2007)
05/22/2007	 33	JUDGMENT as to Shiraz Syed Qazi (Signed by Judge Lee H Rosenthal) Parties notified. (chorace,) (Entered: 05/23/2007)
05/22/2007	 34	STATEMENT OF REASONS (Sealed) as to Shiraz Syed Qazi, filed. (chorace,) (Entered: 05/23/2007)